

MONTANA LEGISLATIVE HISTORY

Chapter 139 1991

Bill H _____ S 180 Original bill & history ☒ C

H. Committee on Education & Cultural Resources

Hearing Date(s) 3-8 _____ C

_____ C

_____ C

_____ C

Date Out 3-8 _____ C

S. Committee on Education & Cultural Resources

Hearing Date(s) 1-30 _____ C

_____ C

_____ C

Date Out 1-30 _____ C

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

TRANSMITTED TO HOUSE		
2/16	FIRST READING	
2/16	REFERRED TO HIGHWAYS & TRANSPORTATION	
3/13	HEARING	
3/21	COMMITTEE REPORT—BILL CONCURRED AS AMENDED	
4/06	2ND READING CONCURRED	74 15
4/06	ON MOTION RULES SUSPENDED TO PLACE ON 3RD READING THIS DAY	
4/06	3RD READING CONCURRED	79 18
RETURNED TO SENATE WITH AMENDMENTS		
4/17	2ND READING AMENDMENTS CONCURRED	49 0
4/18	3RD READING AMENDMENTS CONCURRED	49 0
4/23	SIGNED BY PRESIDENT	
4/23	SIGNED BY SPEAKER	
4/23	TRANSMITTED TO GOVERNOR	
4/27	SIGNED BY GOVERNOR	
CHAPTER NUMBER 672		
EFFECTIVE DATE: 10/01/91 - SECTIONS 1, 3, 4		
EFFECTIVE DATE: 01/01/92 - SECTION 2		

SB 179 INTRODUCED BY PIPINICH, ET AL.

ALLOW SCHOOL TRUSTEES TO WAIVE CERTAIN REQUIREMENTS
FOR UNFORESEEN EMERGENCY

TRANSMITTED TO HOUSE		
1/22	INTRODUCED	
1/23	REFERRED TO EDUCATION & CULTURAL RESOURCES	
1/23	FIRST READING	
1/30	HEARING	
1/31	COMMITTEE REPORT—BILL PASSED AS AMENDED	
1/31	PLACED ON CONSENT CALENDAR	
2/04	3RD READING PASSED	49 0
TRANSMITTED TO HOUSE		
2/05	FIRST READING	
2/05	REFERRED TO EDUCATION & CULTURAL RESOURCES	
3/08	HEARING	
3/09	COMMITTEE REPORT—BILL CONCURRED	
3/09	PLACED ON CONSENT CALENDAR	
3/12	3RD READING CONCURRED	96 1
RETURNED TO SENATE		
3/20	SIGNED BY PRESIDENT	
3/21	SIGNED BY SPEAKER	
3/22	TRANSMITTED TO GOVERNOR	
3/25	SIGNED BY GOVERNOR	
CHAPTER NUMBER 154		
EFFECTIVE DATE: 3/25/91		

SB 180 INTRODUCED BY WATERMAN, ET AL.

REQUIRE SCHOOL BOARD TO PROVIDE ACTUARIALLY
SOUND GROUP BENEFIT PLAN

TRANSMITTED TO HOUSE		
1/22	INTRODUCED	
1/23	REFERRED TO EDUCATION & CULTURAL RESOURCES	
1/23	FIRST READING	
1/30	HEARING	
1/31	COMMITTEE REPORT—BILL PASSED AS AMENDED	
2/02	2ND READING PASSED	46 0
2/04	3RD READING PASSED	49 0
TRANSMITTED TO HOUSE		
2/05	FIRST READING	
2/05	REFERRED TO EDUCATION & CULTURAL RESOURCES	
3/08	HEARING	
3/09	COMMITTEE REPORT—BILL CONCURRED	
3/09	PLACED ON CONSENT CALENDAR	
3/12	3RD READING CONCURRED	96 0

3/16 RETURNED TO SENATE
 3/16 SIGNED BY PRESIDENT
 3/18 SIGNED BY SPEAKER
 3/18 TRANSMITTED TO GOVERNOR
 3/21 SIGNED BY GOVERNOR
 CHAPTER NUMBER 139

EFFECTIVE DATE: 7/01/91

SB 181 INTRODUCED BY DEVLIN, ET AL.

EXTENDING THE PENALTY FOR LATE RENTAL
 PAYMENTS FOR STATE LAND

BY REQUEST OF DEPARTMENT OF STATE LANDS

1/22 INTRODUCED
 1/23 REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.
 1/23 FIRST READING
 1/23 FISCAL NOTE REQUESTED
 1/28 FISCAL NOTE RECEIVED
 2/01 HEARING
 2/01 FISCAL NOTE PRINTED
 2/02 COMMITTEE REPORT—BILL PASSED
 2/04 2ND READING PASSED
 2/05 3RD READING PASSED

49 0
 49 0

TRANSMITTED TO HOUSE
 2/06 FIRST READING
 2/06 REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.
 3/06 HEARING
 3/07 COMMITTEE REPORT—BILL CONCURRED
 3/09 2ND READING CONCURRED
 3/11 3RD READING CONCURRED

90 2
 92 7

RETURNED TO SENATE
 3/15 SIGNED BY PRESIDENT
 3/16 SIGNED BY SPEAKER
 3/16 TRANSMITTED TO GOVERNOR
 3/21 SIGNED BY GOVERNOR
 CHAPTER NUMBER 140

EFFECTIVE DATE: 10/01/91

SB 182 INTRODUCED BY KEATING

TRANSFER AUTHORITY TO CONTROL WILD PETS
 TO LOCAL HEALTH OFFICERS

BY REQUEST OF DEPARTMENT OF HEALTH & ENVIRONMENTAL SCIENCES

1/22 INTRODUCED
 1/23 REFERRED TO FISH & GAME
 1/23 FIRST READING
 1/23 FISCAL NOTE REQUESTED
 1/28 FISCAL NOTE PRINTED
 1/28 FISCAL NOTE RECEIVED
 2/05 HEARING
 2/06 TABLED IN COMMITTEE

SB 183 INTRODUCED BY WATERMAN, ET AL.

ALLOWING STATE EMPLOYEES TO APPEAL THE
 GRADE ASSIGNMENT OF THEIR JOB CLASS

1/22 INTRODUCED
 1/23 REFERRED TO STATE ADMINISTRATION
 1/23 FIRST READING
 2/18 HEARING
 2/19 COMMITTEE REPORT—BILL NOT PASSED
 2/19 ADVERSE COMMITTEE REPORT ADOPTED

43 7

SENATE BILL NO. 180

INTRODUCED BY WATERMAN, BLAYLOCK, CRIPPEN, BRADLEY,
WALLIN, STICKNEY, J. RICE, MAZUREK

IN THE SENATE

JANUARY 23, 1991

INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

FIRST READING.

JANUARY 31, 1991

COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 1, 1991

PRINTING REPORT.

FEBRUARY 2, 1991

SECOND READING, DO PASS.

FEBRUARY 4, 1991

ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 49; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 5, 1991

INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

FIRST READING.

MARCH 9, 1991

COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

POSTED ON CONSENT CALENDAR.

MARCH 11, 1991

CONSENT CALENDAR, QUESTIONS AND ANSWERS.

MARCH 12, 1991

THIRD READING, CONCURRED IN.
AYES, 96; NOES, 0.

RETURNED TO SENATE.

IN THE SENATE

MARCH 13, 1991

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *180*
2 INTRODUCED BY *Mignon Watson* *Blaylock*
3 *Cyr* *Bradley* *William* *Holmes* *John* *Thayer*
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE BOARD OF
5 TRUSTEES OF A SCHOOL DISTRICT TO MAINTAIN ITS GROUP BENEFITS
6 PLAN ON AN ACTUARIALLY SOUND BASIS; AMENDING SECTION
7 2-18-702, MCA; AND PROVIDING AN EFFECTIVE DATE."
8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 2-18-702, MCA, is amended to read:

11 "2-18-702. Group insurance for public employees and
12 officers. (1) All counties, cities, towns, school districts,
13 and the board of regents shall upon approval by two-thirds
14 vote of their respective officers and employees enter into
15 group hospitalization, medical, health, including long-term
16 disability, accident, and/or group life insurance contracts
17 or plans for the benefit of their officers and employees and
18 their dependents.

19 (2) State employees and elected officials, as defined
20 in 2-18-701, may participate in such state employee group
21 benefit plans as are provided for under part 8 of this
22 chapter.

23 (3) For state officers and employees, the premiums
24 required from time to time to maintain the insurance in
25 force shall be paid by the insured officers and employees,

1 and the auditor shall deduct the premiums from the salary or
2 wages of each officer or employee who elects to become
3 insured, on the officer's or employee's written order, and
4 issue his warrant therefor to the insurer.

5 (4) For the purpose of this section, the plans of
6 health service corporations for defraying or assuming the
7 cost of professional services of licentiates in the field of
8 health or the services of hospitals, clinics, or sanitariums
9 or both professional and hospital services shall be
10 construed as group insurance and the dues payable under such
11 plans shall be construed as premiums therefor.

12 (5) If the board of trustees of a school district or
13 the board of regents implements an alternative to
14 conventional insurance to provide group benefits to its
15 employees, the board shall maintain the alternative plan on
16 an actuarially sound basis."

17 NEW SECTION. **Section 2.** Effective date. [This act] is
18 effective July 1, 1991.

-End-

CHAIRMAN--CHET BLAYLOCK
NORMAL SCHEDULE==> SITE: ROOM 402

DAYS: M,W,F

TIME: 3:00 P.M.

SECRETARY-BETSY CLARK

---BILL NO---	REFER DATE---	HEARING DATE---	CONSIDERATION DATES-----	COMMITTEE ACTION-----	REREFERRED TO COMM----	DATE OUT-
SB0179	1/23	1/30		PASS AS AMENDED		1/31
PIPINICH, BOB			ALLOW SCHOOL TRUSTEES TO WAIVE CERTAIN REQUIREMENTS FOR UNFORESEEN EMERGENCY			
SB0180	1/23	1/30		PASS AS AMENDED		1/31
WATERMAN, MIGNON			REQUIRE SCHOOL BOARD TO PROVIDE ACTUARIALLY SOUND GROUP BENEFIT PLAN			
SB0187	1/23	2/01		TABLED ON 02/01		
YELLOWTAIL JR., BILL			REQUIRE SCHOOL TRUSTEE CANDIDATE TO HAVE HIGH SCHOOL DIPLOMA OR EQUIVALENCY			
SB0234	1/31	2/06		TABLED ON 02/12		
GAGE, DEL			APPROVAL FOR TUITION NOT MANDATED IF SCHOOL DISTRICT PROVIDES TRANSPORTATION			
SB0287	2/06	2/15		PASS AS AMENDED		2/19
GAGE, DEL			RECOGNIZE RIGHTS AND RESPONSIBILITIES OF PARENT WHO PROVIDES HOME SCHOOL			
SB0320	2/08	2/18		DO PASS		2/19
FRITZ, HARRY			STATE ARBORETUM			
SB0389	2/14	2/18		DO PASS		2/19
VAN VALKENBURG, FRED			AUDIT OF ORGANIZATIONS RECEIVING MAJORITY OF FUNDS FROM GOVERNMENT			
SB0395	2/15	2/20		DO PASS		2/21
PINSONEAULT, DICK			REVISE LAWS RELATED TO TRANSFER OF TERRITORY OF SCHOOL DISTRICTS			
SB0456	2/22			PASS AS AMENDED		2/23
YELLOWTAIL JR., BILL			REMOVE LIMITATION ON TRUSTEES FOR SHORT-TERM OBLIGATIONS BONDS			
SJ0013	2/04	2/11		PASS AS AMENDED		2/14
JERGESON, GREG			JOINT RESOLUTION URGING CONGRESS TO AMEND NEZ PERCE NATIONAL HISTORICAL PARK			
SJ0017	2/09	2/18		DO PASS		2/19
BLAYLOCK, CHET			JOINT RESOLUTION ON SQUARE DANCING			

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION COMMITTEE ON EDUCATION

Call to Order: By SENATOR CHET BLAYLOCK, on January 30, 1991, at
3:00 P. M.

ROLL CALL

Members Present:

Chet Blaylock, Chairman (D)
Harry Fritz, Vice Chairman (D)
Bill Farrell (R)
H.W. Hammond (R)
Dennis Nathe (R)
Dick Pinsoneault (D)
Mignon Waterman (D)
Bill Yellowtail (D)

Members Excused: Robert Brown (R)

Staff Present: Eddy McClure (Legislative Council).

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Announcements/Discussion: none

HEARING ON SB 179

Presentation and Opening Statement by Sponsor:

Senator Pipinich of District 33 introduced SB 179 which is a bill allowing school trustees to waive certain requirements for unforeseen emergencies. See Exhibit 1.

Proponents' Testimony:

Bruce Moerer, MT School Boards Association, testified that the association he represents asked Senator Pipinich to sponsor SB 179. The issue which brought this to MSBA's attention did arise in the Bonner School District which is in Senator Pipinich's district. Mr. Moerer stated that there is a problem in an emergency with these three legal requirements. The law has

no exception to holding a meeting on school property but in the case of Bonner, the only building that they had available for meetings was contaminated with asbestos and had to be sealed off.

The law says that a school board has to give 48 hour written notice of a meeting to the trustees of the school board. The Environmental Protection Agency told the school that they must clean up immediately and the law wouldn't allow them to meet without notice. The Bonner District was very concerned about the laws they were violating but they knew they had no option.

Members of MSBA feel that it is unwarranted to put a school board in this type of situation when along with all the other problems they have, they are worried about violating laws. The bill is straight forward and does not allow any exceptions to the budget caps. In the event money is needed, a school board would still go through OPI for approval. MSBA would appreciate your support of this legislation.

Jess Long, School Administrators of MT, testified in support of SB 179.

Opponents' Testimony:

none

Questions From Committee Members:

Senator Blaylock asked Bruce Moerer if he felt that there were enough safeguards in SB 179 to insure against other types of meetings that did not constitute an emergency.

Bruce Moerer said that he felt that SB 179 would not allow for any legal abuse.

Closing by Sponsor:

Senator Pipinich urged the committee to pass SB 179.

SENATOR PINSONEAULT MOVED that SB 179 DO PASS. Vote was unanimous. MOTION CARRIED.

SENATOR PINSONEAULT MOVED that SB 179 be put on the CONSENT CALENDAR. Vote was unanimous. MOTION CARRIED.

HEARING ON SB 180

Presentation and Opening Statement by Sponsor:

Senator Waterman, District 22, presented SB 180 which requires school board trustees to provide actuarially sound group benefit plan.

The Helena and Bozeman School Districts recently wanted to set up

self funded health insurance plans. In the process of doing that, the administrator for the plan wanted a letter from the District's attorney clarifying that they had the authority because they had not found in the law where they could. The attorney, in researching the law, said that he wasn't sure that there was clear authority in Montana statutes even though there are several districts in the state that have done so. Laurel, Billings and Miles City have had self funded health insurance plans for some time so this is merely a clarification in the law that makes it legal.

The School Board Association has proposed an amendment on SB 188. Senator Waterman stated that she had no problem with the amendment.

Proponents' Testimony:

Bruce Moerer, SBA, offered an amendment to SB 180. See Exh 2. He felt that it clarified the bill in case there was an issue. Bozeman did a study and felt that they could do better for their District if they self insured their help. The administrator who was going to do the program asked the Bozeman School District to provide them with the opinion of their attorney that they had the authority to do the program.

The attorney in Bozeman in checking through the statutes and felt that schools might not have the authority to self insure their help. That attorney refused to issue an opinion. Billings had an opinion from their attorney giving approval. Bozeman still refused saying that the statute that the other attorney relied on was accurate; that it did not apply to health insurance. A number of districts do have their own program; this bill is intended to clarify.

The following persons were also in support of SB 180:

Jess Long, SBA.
Jan Wright, MEA.
Debbie Kehr, Trustee, Helena School Board.

Opponents' Testimony:

none

Questions From Committee Members:

Senator Blaylock asked Debbie Kehr how often an actuary comes evaluates their program. She said once a year.

Closing by Sponsor:

Senator Waterman asked the committee to support SB 180.

SENATOR FARRELL MOVED that the amendment to SB 180 as proposed by Montana School Board Association DO PASS. The vote was unanimous. MOTION CARRIED.

SENATOR FARRELL MOVED that SB 180 as amended DO PASS. The vote was unanimous. MOTION CARRIED.

VOTE ON SB 141:

SENATOR NATHE MOVED that the amendments on SB 141 DO PASS. The vote was unanimous. MOTION CARRIED.

SENATOR YELLOWTAIL MOVED that SB 141 DO PASS as amended. The vote was unanimous. MOTION CARRIED.

VOTE ON SB 117:

SENATOR NATHE MOVED that the amendments on SB 117 DO PASS. The vote was unanimous. MOTION CARRIED.

SENATOR PINSONEAULT MOVED that SB 117 DO PASS as amended. The vote was called. Five voted aye; four voted no. Roll was called. Senators Fritz, Brown, Pinsoneault, Hammond and Nathe voted aye; Senators Blaylock, Farrell, Yellowtail and Waterman voted no. MOTION CARRIED.

VOTE ON SB 127:

SENATOR NATHE MOVED that SB 127 DO PASS. Seven voted aye; Senator Blaylock voted no. MOTION CARRIED.

VOTE ON SB 143:

An amendment is included which states that it is the intent of the Legislature that public education for the first two years of implementation limit the number of districts that may be approved for this variance.

SENATOR YELLOWTAIL MOVED that the amendments on SB 143 DO PASS. The vote was unanimous. MOTION CARRIED.

No exhibits were transmitted with the minutes.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 31, 1991

MR. PRESIDENT:

We, your committee on Education and Cultural Resources having had under consideration Senate Bill No. 180 (first reading copy - white), respectfully report that Senate Bill No. 180 be amended and as so amended do pass:

1. Page 2, line 12.

Following: "district"

Insert: "implements a self-insured group health plan"

Signed: _____

Chet Blaylock, Chairman

191 1-31-91
Asst. Coord.

SB 1/31 1:35
Sec. of Senate

220936SC.Sji

SECRETARY-DIANNE MCKITTRICK

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
SB0180	2/05	3/08		CONCUR		3/09
WATERMAN, MIGNON			REQUIRE SCHOOL BOARD TO PROVIDE ACTUARIALLY SOUND GROUP BENEFIT PLAN			
SB0287	3/04	3/19		CONCUR		4/02
GAGE, DEL			RECOGNIZE RIGHTS AND RESPONSIBILITIES OF PARENT WHO PROVIDES HOME SCHOOL			
SB0320	3/04	3/14		CONCUR		3/20
FRITZ, HARRY			STATE ARBORETUM			
SB0389	3/04	3/19		CONCUR AS AMENDED		4/02
VAN VALKENBURG, FRED			AUDIT OF ORGANIZATIONS RECEIVING MAJORITY OF FUNDS FROM GOVERNMENT			
SB0395	3/04	3/21		CONCUR		4/02
PINSONEAULT, DICK			REVISE LAWS RELATED TO TRANSFER OF TERRITORY OF SCHOOL DISTRICTS			
SB0456	3/04	3/19		CONCUR AS AMENDED		4/02
YELLOWTAIL JR., BILL			REMOVE LIMITATION ON TRUSTEES FOR SHORT-TERM OBLIGATIONS BONDS			
SJ0009	2/09				HUMAN SERVICES	
PINSONEAULT, DICK			URGE CREATION OF NATIONAL HEALTH CARE PROGRAM			
SJ0017	3/04	3/21		CONCUR		4/02
BLAYLOCK, CHET			JOINT RESOLUTION ON SQUARE DANCING			
SJ0020	3/04	3/19		CONCUR		4/02
YELLOWTAIL JR., BILL			RESOLUTION SUPPORTING INDIAN MONUMENT AT CUSTER BATTLEFIELD AND NAME CHANGE			
SJ0021	3/04	3/21		CONCUR AS AMENDED		4/02
THAYER, GENE			URGE CONGRESS FUND COMPLETION OF LEWIS & CLARK INTERPRETIVE CENTER			
SJ0027	4/06	4/10		CONCUR		4/11
GAGE, DEL			INTERIM STUDY OF REMAINING SCHOOL FUNDING EQUITY ISSUES			

1 SENATE BILL NO. 180

2 INTRODUCED BY WATERMAN, BLAYLOCK, CRIPPEN, BRADLEY,

3 WAILIN, STICKNEY, J. RICE, MAZUREK

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE BOARD OF
6 TRUSTEES OF A SCHOOL DISTRICT TO MAINTAIN ITS GROUP BENEFITS
7 PLAN ON AN ACTUARIALLY SOUND BASIS; AMENDING SECTION
8 2-18-702, MCA; AND PROVIDING AN EFFECTIVE DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 2-18-702, MCA, is amended to read:

12 "2-18-702. Group insurance for public employees and
13 officers. (1) All counties, cities, towns, school districts,
14 and the board of regents shall upon approval by two-thirds
15 vote of their respective officers and employees enter into
16 group hospitalization, medical, health, including long-term
17 disability, accident, and/or group life insurance contracts
18 or plans for the benefit of their officers and employees and
19 their dependents.

20 (2) State employees and elected officials, as defined
21 in 2-18-701, may participate in such state employee group
22 benefit plans as are provided for under part 8 of this
23 chapter.

24 (3) For state officers and employees, the premiums
25 required from time to time to maintain the insurance in

1 force shall be paid by the insured officers and employees,
2 and the auditor shall deduct the premiums from the salary or
3 wages of each officer or employee who elects to become
4 insured, on the officer's or employee's written order, and
5 issue his warrant therefor to the insurer.

6 (4) For the purpose of this section, the plans of
7 health service corporations for defraying or assuming the
8 cost of professional services of licentiates in the field of
9 health or the services of hospitals, clinics, or sanitariums
10 or both professional and hospital services shall be
11 construed as group insurance and the dues payable under such
12 plans shall be construed as premiums therefor.

13 (5) If the board of trustees of a school district
14 IMPLEMENTS A SELF-INSURED GROUP HEALTH PLAN or the board of
15 regents implements an alternative to conventional insurance
16 to provide group benefits to its employees, the board shall
17 maintain the alternative plan on an actuarially sound
18 basis."

19 NEW SECTION. Section 2. Effective date. [This act] is
20 effective July 1, 1991.

-End-

THIRD READING

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION & CULTURAL RESOURCES

Call to Order: By Chairman Ted Schye, on March 8, 1991, at 3:00 p.m.

ROLL CALL

Members Present:

Ted Schye, Chairman (D)
Ervin Davis, Vice-Chairman (D)
Steve Benedict (R)
Ernest Bergsagel (R)
Robert Clark (R)
Vicki Cocchiarella (D)
Fred "Fritz" Daily (D)
Alvin Ellis, Jr. (R)
Gary Feland (R)
Gary Forrester (D)
Floyd "Bob" Gervais (D)
H.S. "Sonny" Hanson (R)
Dan Harrington (D)
Tom Kilpatrick (D)
Bea McCarthy (D)
Scott McCulloch (D)
Richard Simpkins (R)
Barry "Spook" Stang (D)
Norm Wallin (R)
Diana Wyatt (D)

Staff Present: Andrea Merrill, Legislative Council
Dianne McKittrick, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

HEARING ON SB 180

Presentation and Opening Statement by Sponsor:

SENATOR MIGNON WATERMAN, Senate District 22, Helena, said SB 180 gives school districts the authority to establish self-insured health plans. This legislation clarifies in law what a number of districts are currently doing.

Proponents' Testimony:

Bob Anderson, Montana School Boards Association, (MSBA), said SB 180 allows districts to be more competitive while keeping the

rates as low as possible.

Phil Campbell, Montana Education Association, (MEA), stated support for SB 180.

Kay McKenna, Montana Association of County School Superintendents, (MACSS), stated support for SB 180.

Pete Carparelli, Superintendent, School District 2, Billings, said his district is already participating in such a plan. They would like the language of the law clarified to enable the district to continue providing the best service in the most financially responsible manner possible.

Opponents' Testimony: None

Questions From Committee Members:

REP. SIMPKINS asked SEN. WATERMAN what the districts are currently doing. SEN. WATERMAN answered several districts already have self-insured programs and there are others who have their programs through private carriers. REP. SIMPKINS asked if those districts already in self-insured programs will have to discontinue them if this legislation does not pass. SEN. WATERMAN responded there is a definite legal question whether the statute grants them that authority.

Closing by Sponsor:

SEN. WATERMAN said SB 180 is a good bill and worthy of positive action by the committee.

HEARING ON SB 179

Presentation and Opening Statement by Sponsor:

SENATOR BOB PIPINICH, Senate District 33, Missoula, said SB 179 authorizes school boards to meet outside the school building and authorizes them to do minor repairs in extreme emergencies.

Proponents' Testimony:

Bob Anderson, Montana School Boards Association stated support for SB 179.

Opponents' Testimony: None

Questions From Committee Members: None

Closing by Sponsor:

SEN. PIPINICH said SB 179 passed the Senate with no opposition and will provide flexibility to the school board to take care of

unforeseen emergencies. He said REP. DON LARSON would carry the bill in the House.

EXECUTIVE ACTION ON SB 179

Motion/Vote: REP. BENEDICT moved SB 179 BE CONCURRED IN AND BE PLACED ON CONSENT CALENDAR. Motion CARRIED unanimously.

EXECUTIVE ACTION ON SB 180

Motion: REP. BENEDICT moved SB 180 BE CONCURRED IN AND BE PLACED ON CONSENT CALENDAR. Motion CARRIED unanimously.

EXECUTIVE ACTION ON SB 141

Motion: REP. STANG moved SB 141 BE CONCURRED IN. Motion CARRIED unanimously.

HEARING ON SB 120

Presentation and Opening Statement by Sponsor:

SENATOR BOB BROWN, Senate District 2, Whitefish, said SB 120 provides non-tenured teachers with a true statement of employment related reasons for termination and also provides for a hearing if there is reason to believe the trustees had abused their discretion in the process of termination. In 1975 the Legislature passed a bill that went in as 24-206 of the Montana Code stating a non-tenured teacher had the right to request and receive from the school board a written statement of reason for termination. The teacher would know what improvements to make in order to get another job and a future school district would have a definite statement of why the teacher was released.

SEN. BROWN said if a non-tenured teacher has reason to believe an abuse of discretion has occurred, he/she can request a hearing before the county school superintendent. The hearing must be scheduled within ten days and held within thirty days. The burden of proof rests with the teacher to prove abuse of discretion has occurred. This is not instant tenure! Tenure requires the school board or administration to prove the teacher is guilty and is a very tedious process. This bill says if a board rules plainly in error the burden is on the teacher to prove, which is a very far cry from tenure.

Proponents' Testimony:

Phil Campbell, Montana Education Association, (MEA), presented EXHIBIT 1. In 1973 a law was enacted that provided non-tenured teachers with a notice. In 1975 non-tenured teachers had to be given a reason. Ever since, there has been difficulty when districts give the reason, "we can get a better teacher". That reason was challenged in the Supreme Court with the court ruling that is a non-reason. The reason had to be job related and state the undesirable qualities meriting a refusal to enter into a contract. This bill provides that the statement must be true and

HOUSE OF REPRESENTATIVES

EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL

DATE 3-8-91

NAME	PRESENT	ABSENT	EXCUSED
REP. TED SCHYE, CHAIRMAN	✓		
REP. ERVIN DAVIS, VICE-CHAIRMAN	✓		
REP. STEVE BENEDICT	✓		
REP. ERNEST BERGSAGEL	✓		
REP. ROBERT CLARK	✓		
REP. VICKI COCCHIARELLA	✓		
REP. FRED "FRITZ" DAILY	✓		
REP. ALVIN ELLIS, JR.	✓		
REP. GARY FELAND	✓		
REP. GARY FORRESTER	✓		
REP. FLOYD "BOB" GERVAIS	✓		
REP. H.S. "SONNY" HANSON	✓		
REP. DAN HARRINGTON	✓		
REP. TOM KILPATRICK	✓		
REP. BEA MCCARTHY	✓		
REP. SCOTT MCCULLOCH	✓		
REP. RICHARD SIMPKINS	✓		
REP. BARRY "SPOOK" STANG	✓		
REP. NORM WALLIN	✓		
REP. DIANA WYATT	✓		

**HOUSE OF REPRESENTATIVES
VISITOR REGISTER**

EDUCATION & CULTURAL RESOURCES

COMMITTEE

BILL NO. SB 180

DATE 3-8-91

SPONSOR(S) Sen. Waterman

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Peter Carparelli	Billings SD.#2	X	
Bob Anderson	MSBA	X	
Ron McKenna	MACSS	✓	
Phil Campbell	MEA	✓	
Margo Vesnans	MEA	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE STANDING COMMITTEE REPORT

March 9, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that Senate Bill 180 (third reading copy -- blue) be concurred in and be placed on consent calendar .

Signed: Ted Schye
Ted Schye, Chairman

SENATE BILL NO. 180

INTRODUCED BY WATERMAN, BLAYLOCK, CRIPPEN, BRADLEY,
WALLIN, STICKNEY, J. RICE, MAZUREK

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE BOARD OF
TRUSTEES OF A SCHOOL DISTRICT TO MAINTAIN ITS GROUP BENEFITS
PLAN ON AN ACTUARIALLY SOUND BASIS; AMENDING SECTION
2-18-702, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-18-702, MCA, is amended to read:

"2-18-702. Group insurance for public employees and
officers. (1) All counties, cities, towns, school districts,
and the board of regents shall upon approval by two-thirds
vote of their respective officers and employees enter into
group hospitalization, medical, health, including long-term
disability, accident, and/or group life insurance contracts
or plans for the benefit of their officers and employees and
their dependents.

(2) State employees and elected officials, as defined
in 2-18-701, may participate in such state employee group
benefit plans as are provided for under part 8 of this
chapter.

(3) For state officers and employees, the premiums
required from time to time to maintain the insurance in

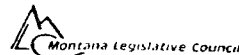
force shall be paid by the insured officers and employees,
and the auditor shall deduct the premiums from the salary or
wages of each officer or employee who elects to become
insured, on the officer's or employee's written order, and
issue his warrant therefor to the insurer.

(4) For the purpose of this section, the plans of
health service corporations for defraying or assuming the
cost of professional services of licentiates in the field of
health or the services of hospitals, clinics, or sanitariums
or both professional and hospital services shall be
construed as group insurance and the dues payable under such
plans shall be construed as premiums therefor.

(5) If the board of trustees of a school district
IMPLEMENTS A SELF-INSURED GROUP HEALTH PLAN or the board of
regents implements an alternative to conventional insurance
to provide group benefits to its employees, the board shall
maintain the alternative plan on an actuarially sound
basis."

NEW SECTION. **Section 2.** Effective date. [This act] is
effective July 1, 1991.

-End-



REFERENCE BILL

-2-

SB 180

CONSENT CALENDAR

23